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Electronically Filed on: January 10, 2019

Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

CASE NO. 17-50395-BTB
CHAPTER 13

KARL A. WOLSKI
KATHLEEN S. WOLSKI,
Debtors.

**TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF FOURTH AMENDED
CHAPTER 13 PLAN**

Hearing Date: 1/18/2019
and Time: 3:00 pm
/ (Time Required – 1 minute)

The Trustee objects to confirmation of the Debtor(s) Chapter 13 Plan or any Amended Plan to the extent the proposed Plan contains provisions inconsistent with the provisions of 11 U.S.C. §1322 or to the extent the requirements of 11 U.S.C. §1325 have not been satisfied. In connection with plan confirmation, the Trustee requests that the court determine that the Debtor has complied with 11 U.S.C. § 521(a)(1) and, that the automatic dismissal provisions of 11 U.S.C. § 521(i) do not apply.

The Trustee raises the following additional confirmation issues that are checked below:

 X The Debtor(s) projected Disposable Income during the applicable Commitment Period is not applied to make payments to unsecured claims in this case. 11 U.S.C. §§1325(b)(1)(B) & (b)(2). Based on the supporting documentation provided to the Trustee and the Trustee's review of the Debtor's form B22C and Schedules I and J, the Debtor(s) has miscalculated their Current Monthly Income as defined by 11 U.S.C. § 101(10A) and their disposable income as defined by 11 U.S.C. § 1325(b)(2).

The Debtors' Plan proposes 19 payments of \$450.00 from 5/2017 through 11/2018, then decreased plan payments of \$125.00 per month starting in 12/2018 for the remainder of the 60-month plan term. The Trustee does not believe the Debtors have proposed to pay adequate disposable monthly income over the entire 60-month commitment period.

 X The Plan does not provide for all scheduled administrative, secured and priority claims and/or the proposed Plan payments are not adequate to provide for full payment of all administrative, secured and priority claims. 11 U.S.C. §1322(a).

The Debtor's Fourth Amended Plan provides to surrender the Debtors' interest in their primary residence. The previous Plan provided for Conduit payments and pursuant to an Order

(Doc 92) on Stipulation (Doc 91) the Trustee has disbursed \$4,719.22 to Rushmore Loan Management Services. The current Plan base does not adequately provide for the Conduit payment(s) made.

 X Other. The plan (Sec 2.10) provides for attorney's fees and costs of \$4,000.00 with no additional attorneys fees listed in Sec. 2.11 of the plan. However, the Trustee has disbursed an additional \$2,500.00 for attorneys fees awarded pursuant to an Order Approving Ex Parte Application for Compensation and Reimbursement of MMM Expenses (Doc 75). The application Trustee requests clarification of the attorney fees to be incorporated into the Plan and Order Confirming Plan.

 X Other. The Trustee requests the following additional documentation:
2017 Tax Return (when filed)
Current Income (P&Ls / Business bank statements / supporting docs)
Current Rent/Lease Agreement; Payments

DATED: January 10, 2019

/S/ WILLIAM A. VAN METER
William A. Van Meter, Trustee

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Bankr. P. 9014, 7004 and Fed. R. Civ. P. 4(g), I Candice Walker hereby swear under penalty of perjury that I am over the age of 18, not a party to the within action, and that on January 10, 2019, I Electronically Filed the attached **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF *FOURTH AMENDED* CHAPTER 13 PLAN** and that upon the filing of the document I anticipate that the Bankruptcy Court will thereafter generate a Notice of Electronic Filing and electronically transmit the document to:

Dated: January 10, 2019

/S/ Candice Walker
Candice Walker

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Served by First Class Mail

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